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to clean it while in motion, requiring a finding for defendant. The court instructed that if plaintiff was told by his foreman not to clean the machinery while in motion, but attempted to clean it while in action, in disobedience of such instruction, he would not be entitled to recover, and the jury must find for defendant. Held, that the requested charge was substantially covered by the one given so as to be properly refused.

[Ed. Note.—For other cases, see Trial, Cent. Dig. §§ 651-659; Dec. Dig. § 260.* 7 Va.-W. Va. Enc. Dig. 742; 9 Va.-W. Va. Enc. Dig. 714.]

Error to Circuit Court, Alleghany County.

Action by D. Showalter against the United States Leather Company. Judgment for plaintiff, and defendant brings error. Affirmed.

P. H. C. Cabell, for plaintiff in error.

John T. Delaney and *Geo. A. Revercomb*, for defendant in error.

LOVELL et al. v. JAMISON et al.

June 13, 1912.

[75 S. E. 80.]

Taxation (§ 810*)—Tax Sale—Identity of Land.—Evidence held to warrant a finding that land covered by a tax deed had been sold for taxes and purchased by the state before it had been conveyed by the county clerk to defendant under an application and proceedings to purchase the same as tax lands.

[Ed. Note.—For other cases, see Taxation, Cent. Dig. §§ 1665-1608; Dec. Dig. § 810.* 13 Va.-W. Va. Enc. Dig. 133.]

Appeal from Circuit Court, Franklin County.

Suit by Lucy Lovell and others against P. M. Jamison and others to remove a cloud on title. From a decree dismissing the bill, plaintiffs appeal. Affirmed.

Dillard & Lee, for appellants.

L. W. Anderson, for appellees.

VIRGINIA BEACH DEVELOPMENT CO. v. MURRAY.

June 13, 1912.

[75 S. E. 81.]

1. **Courts (§ 66*)—Terms—Adjournment—Validity.—Under Code**

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.